
By: ~~Delegate Wood~~ Delegates Wood, Bohanan, Benson, Bobo, Brinkley,
Bronrott, Clagett, DeCarlo, Dobson, Dypski, Glassman, Malone, Mandel,
McIntosh, Paige, Parrott, Riley, Shank, Snodgrass, Sophocleus, and
Swain

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Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 29, 2000

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Drivers Failing to Stop for School Buses - Enforcement**
3 **Initiative**

4 FOR the purpose of establishing a grant program under which certain law
5 enforcement agencies may apply for funds for efforts relating to the enforcement
6 of the law prohibiting the passing of stopped school vehicles; establishing a
7 School Bus Safety Enforcement Fund and providing for the administration,
8 composition, and use of the Fund; prescribing a revenue source for the Fund and
9 specifying certain budgetary procedures; providing that the Secretary of the
10 State Police shall award grants from the Fund; requiring the Secretary and the
11 Department of State Police to take certain actions pertaining to administration
12 of the program; requiring a law enforcement agency that receives a grant from
13 the Fund to use the grant in a certain manner and comply with certain reporting
14 requirements; requiring the Secretary to make certain reports; increasing the
15 number of points assessed by the Motor Vehicle Administration following a
16 conviction of a certain offense; defining certain terms; declaring the intent of the
17 General Assembly; providing for the termination of certain provisions of this
18 Act; providing for the transfer of certain money following the termination; and
19 generally relating to enhanced enforcement of the law requiring motorists to
20 stop for school vehicles.

21 BY repealing and reenacting, without amendments,
22 Article 88B - Department of State Police
23 Section 2(3) and (10)
24 Annotated Code of Maryland

1 (1998 Replacement Volume and 1999 Supplement)

2 BY adding to

3 Article 88B - Department of State Police

4 Section 81 through 85, inclusive, to be under the new subtitle "School Bus Safety

5 Enforcement Fund"

6 Annotated Code of Maryland

7 (1998 Replacement Volume and 1999 Supplement)

8 BY repealing and reenacting, with amendments,

9 Article - Transportation

10 Section 16-402(a)(5)

11 Annotated Code of Maryland

12 (1999 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article - Transportation

15 Section 17-106(e)

16 Annotated Code of Maryland

17 (1999 Replacement Volume and 1999 Supplement)

18 (As enacted by Section 2 of Chapter 488 of the Acts of the General Assembly of

19 1998)

20 BY repealing and reenacting, with amendments,

21 Article - Transportation

22 Section 17-106(e)

23 Annotated Code of Maryland

24 (1999 Replacement Volume and 1999 Supplement)

25 (As enacted by Section 5 of Chapter 488 of the Acts of the General Assembly of

26 1998)

27 BY repealing and reenacting, without amendments,

28 Article - Transportation

29 Section 21-706

30 Annotated Code of Maryland

31 (1999 Replacement Volume and 1999 Supplement)

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

33 MARYLAND, That the Laws of Maryland read as follows:

Article 88B - Department of State Police

2 2.

3 The following words shall have the meanings contained in this section unless
4 the context manifestly indicates a different meaning:

5 (3) "Department" means the Department of State Police.

6 (10) "Secretary" means the Secretary of the State Police.

7 SCHOOL BUS SAFETY ENFORCEMENT FUND.

8 81.

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) "FUND" MEANS THE SCHOOL BUS SAFETY ENFORCEMENT FUND.

12 (C) "LAW ENFORCEMENT AGENCY" MEANS THE DEPARTMENT, A COUNTY OR
13 MUNICIPAL POLICE DEPARTMENT, OR A SHERIFF'S OFFICE.

14 (D) "SCHOOL VEHICLE" HAS THE MEANING STATED IN § 11-154 OF THE
15 TRANSPORTATION ARTICLE.

16 82.

17 (A) THERE IS A SCHOOL BUS SAFETY ENFORCEMENT FUND.

18 (B) THE FUND IS A SPECIAL NONLAPSING FUND THAT IS:

19 (1) ADMINISTERED BY THE SECRETARY; AND

20 (2) INTENDED TO ASSIST LAW ENFORCEMENT AGENCIES IN
21 ADDRESSING THE PROBLEM OF DRIVERS ILLEGALLY PASSING SCHOOL VEHICLES.

22 (C) THE FUND CONSISTS OF:

23 (1) MONEY CREDITED TO THE FUND UNDER § 17-106(E) OF THE
24 TRANSPORTATION ARTICLE;

25 (2) EARNINGS FROM THE INVESTMENT OF MONEY OF THE FUND; AND

26 (3) ANY OTHER MONEY ACCEPTED FOR THE BENEFIT OF THE FUND
27 FROM ANY GOVERNMENTAL OR PRIVATE SOURCE.

28 (D) (1) THE STATE TREASURER SHALL HOLD THE FUND AND SHALL INVEST
29 THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE
30 INVESTED AND THE STATE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN
31 CONJUNCTION WITH THE DEPARTMENT.

1 (2) THE DEPARTMENT SHALL RECEIVE ~~10% OF THE TOTAL REVENUE~~
2 ~~CREDITED TO~~ FROM THE FUND EACH FISCAL YEAR THE AMOUNT NECESSARY TO
3 OFFSET ITS COSTS IN ADMINISTERING THIS SUBTITLE, NOT TO EXCEED \$60,000
4 \$50,000 IN ANY FISCAL YEAR, TO OFFSET ITS COSTS IN ADMINISTERING THIS
5 SUBTITLE.

6 (3) THE FUND IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND
7 PROCUREMENT ARTICLE.

8 (4) GRANTS SHALL BE AWARDED TO LAW ENFORCEMENT AGENCIES
9 FROM THE FUND AS AUTHORIZED BY THE SECRETARY.

10 (E) EXPENDITURES FROM THE FUND MAY ONLY BE MADE:

11 (1) PURSUANT TO AN APPROPRIATION APPROVED BY THE GENERAL
12 ASSEMBLY IN THE ANNUAL STATE BUDGET; OR

13 (2) BY THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR IN § 7-209
14 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, PROVIDED THAT:

15 (I) THE BUDGET AMENDMENT AND SUPPORTING INFORMATION
16 HAVE BEEN SUBMITTED TO THE BUDGET COMMITTEES FOR THEIR REVIEW AND
17 COMMENT; AND

18 (II) AT LEAST 45 DAYS HAVE ELAPSED FROM THE TIME THE
19 BUDGET AMENDMENT AND SUPPORTING INFORMATION WERE SUBMITTED TO THE
20 BUDGET COMMITTEES.

21 83.

22 (A) THE SECRETARY SHALL ESTABLISH PROCEDURES FOR LAW
23 ENFORCEMENT AGENCIES TO APPLY FOR GRANTS FROM THE FUND AND FOR THE
24 EVALUATION OF PROGRESS IN ADDRESSING THE PROBLEM OF DRIVERS ILLEGALLY
25 FAILING TO STOP FOR SCHOOL VEHICLES.

26 (B) (1) IN AWARDING GRANTS FROM THE FUND, THE SECRETARY SHALL
27 CONSIDER:

28 (I) THE EXTENT OF THE PROBLEM OF DRIVERS ILLEGALLY
29 FAILING TO STOP FOR SCHOOL VEHICLES IN THE AREA IDENTIFIED BY THE LAW
30 ENFORCEMENT AGENCY APPLYING FOR A GRANT;

31 (II) THE LAW ENFORCEMENT AGENCY'S GOALS AND PLANS WITH
32 RESPECT TO ENHANCED ENFORCEMENT EFFORTS RELATED TO § 21-706 OF THE
33 TRANSPORTATION ARTICLE; AND

34 (III) OTHER FACTORS THAT THE SECRETARY CONSIDERS
35 APPROPRIATE RELATING TO DRIVERS ILLEGALLY FAILING TO STOP FOR SCHOOL
36 VEHICLES.

1 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE SECRETARY
 2 MAY NOT GRANT FROM THE FUND DURING A SINGLE FISCAL YEAR MORE THAN
 3 \$35,000 FOR USE IN A SINGLE COUNTY.

4 (3) IF, DURING ANY FISCAL YEAR, MONEY REMAINS AVAILABLE IN THE
 5 FUND AFTER GRANTS ARE INITIALLY AWARDED, THE SECRETARY MAY MAKE
 6 SUPPLEMENTAL GRANTS TO LAW ENFORCEMENT AGENCIES IN ACCORDANCE WITH
 7 PROCEDURES ESTABLISHED BY THE SECRETARY.

8 84.

9 A LAW ENFORCEMENT AGENCY THAT IS AWARDED A GRANT UNDER THIS
 10 SUBTITLE:

11 (1) MAY USE THE GRANT SOLELY IN ACCORDANCE WITH THE TERMS OF
 12 THE GRANT FOR EFFORTS RELATED TO THE ENFORCEMENT OF § 21-706 OF THE
 13 TRANSPORTATION ARTICLE; AND

14 (2) SHALL COMPLY WITH REPORTING REQUIREMENTS ESTABLISHED BY
 15 THE SECRETARY FOR PURPOSES OF EVALUATING:

16 (I) THE LAW ENFORCEMENT AGENCY'S EFFORTS UNDER THE
 17 GRANT; AND

18 (II) EFFORTS THROUGHOUT THE STATE UNDER THIS SUBTITLE.

19 85.

20 THE SECRETARY SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246
 21 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, ON OR BEFORE
 22 MARCH 1, 2002, AND ON OR BEFORE MARCH 1 OF EACH YEAR THEREAFTER ON:

23 (1) THE STATUS OF THE FUND;

24 (2) THE GRANTS AWARDED UNDER THIS SUBTITLE; ~~AND~~

25 (3) THE COSTS OF ADMINISTERING THIS SUBTITLE; AND

26 (4) THE EFFECT OF THIS SUBTITLE IN REDUCING THE PROBLEM OF
 27 DRIVERS FAILING TO STOP FOR SCHOOL VEHICLES.

28 **Article - Transportation**

29 17-106.

30 (e) (1) (i) In addition to any other penalty provided for in the Maryland
 31 Vehicle Law, if the required security for a vehicle terminates or otherwise lapses
 32 during its registration year, the Administration may assess the owner of the vehicle
 33 with a penalty of \$150 for each vehicle without the required security for a period of 1

1 to 30 days. If a fine is assessed, beginning on the 31st day the fine shall increase by
2 a rate of \$7 for each day.

3 (ii) Each period during which the required security for a vehicle
4 terminates or otherwise lapses shall constitute a separate violation.

5 (iii) The penalty imposed under this subsection may not exceed
6 \$2,500 for each violation in a 12-month period.

7 (2) (i) A penalty assessed under this subsection shall be paid as
8 follows:

9 1. 70% to be allocated to the Maryland Automobile Insurance
10 Fund, the Motor Vehicle Registration Enforcement Fund, THE SCHOOL BUS SAFETY
11 ENFORCEMENT FUND, and the General Fund as provided in subparagraph (ii) of this
12 paragraph; and

13 2. 30% to the Administration, which may be used by the
14 Administration, subject to subsection (f) of this section, to provide funding for
15 contracts with independent agents to assist in the recovery of evidences of
16 registration as authorized in subsection (d)(3) of this section.

17 (ii) The percentage of the penalties specified under subparagraph
18 (i) of this paragraph shall be distributed as follows:

19 1. The amount distributed to the Maryland Automobile
20 Insurance Fund in the prior fiscal year under the provisions of this subparagraph
21 adjusted by the change for the calendar year preceding the fiscal year in the
22 Consumer Price Index - All Urban Consumers - Medical Care as published by the
23 United States Bureau of Labor Statistics to the Maryland Automobile Insurance
24 Fund;

25 2. \$400,000 to the Motor Vehicle Registration Enforcement
26 Fund each fiscal year, starting in fiscal year 1999 and continuing through fiscal year
27 2003; [and]

28 3. \$600,000 TO THE SCHOOL BUS SAFETY ENFORCEMENT
29 FUND EACH FISCAL YEAR, STARTING IN FISCAL YEAR 2001 AND CONTINUING
30 THROUGH FISCAL YEAR 2005; AND

31 4. The balance to the General Fund.

32 (3) If the Administration assesses a vehicle owner or co-owner with a
33 penalty under this subsection, the Administration may not take any of the following
34 actions until the penalty is paid:

35 (i) Reinstatement a registration suspended under this subsection;

36 (ii) Issue a new registration for any vehicle that is owned or
37 co-owned by that person and is titled after the violation date; or

1 (iii) Renew a registration for a vehicle that is owned or co-owned by
2 that person and is titled after the violation date.

3 (4) (i) In this paragraph, "family member" means any individual
4 whose relationship to the vehicle owner is one of those listed under § 13-810(b)(1) of
5 this article as being exempt from paying the excise tax imposed on the transfer of a
6 vehicle.

7 (ii) The monetary penalties provided in this subsection may not be
8 avoided by transferring title to the vehicle.

9 (iii) Regardless of whether money or other valuable consideration is
10 involved in the transfer, if title to a vehicle is transferred by an individual who has
11 violated this subtitle to a family member, any suspension of the vehicle's registration
12 that occurred before the transfer shall continue as if no transfer had occurred and a
13 new registration may not be issued until the penalty fee is paid.

14 (5) An amount equal to the monetary penalties paid to the
15 Administration under paragraph (2) of this subsection may be used by the
16 Administration only for the enforcement of this subtitle.

17 21-706.

18 (a) If a school vehicle has stopped on a roadway and is operating the
19 alternately flashing red lights specified in § 22-228 of this article, the driver of any
20 other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from
21 the rear of the school vehicle, if approaching the school vehicle from its rear, or at
22 least 20 feet from the front of the school vehicle, if approaching the school vehicle
23 from its front.

24 (b) If a school vehicle has stopped on a roadway and is operating the
25 alternately flashing red lights specified in § 22-228 of this article, the driver of any
26 other vehicle meeting or overtaking the school vehicle may not proceed until the
27 school vehicle resumes motion or the alternately flashing red lights are deactivated.

28 (c) This section does not apply to the driver of a vehicle on a divided highway,
29 if the school vehicle is on a different roadway.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
31 read as follows:

32 **Article - Transportation**

33 17-106.

34 (e) (1) (i) In addition to any other penalty provided for in the Maryland
35 Vehicle Law, if the required security for a vehicle terminates or otherwise lapses
36 during its registration year, the Administration may assess the owner of the vehicle
37 with a penalty of \$150 for each vehicle without the required security for a period of 1

1 to 30 days. If a fine is assessed, beginning on the 31st day the fine shall increase by
2 a rate of \$7 for each day.

3 (ii) Each period during which the required security for a vehicle
4 terminates or otherwise lapses shall constitute a separate violation.

5 (iii) The penalty imposed under this subsection may not exceed
6 \$2,500 for each violation in a 12-month period.

7 (2) (i) A penalty assessed under this subsection shall be paid as
8 follows:

9 1. 70% to be allocated to the Maryland Automobile Insurance
10 Fund, THE SCHOOL BUS SAFETY ENFORCEMENT FUND, and the General Fund as
11 provided in subparagraph (ii) of this paragraph; and

12 2. 30% to the Administration, which may be used by the
13 Administration, subject to subsection (f) of this section, to provide funding for
14 contracts with independent agents to assist in the recovery of evidences of
15 registration as authorized in subsection (d)(3) of this section.

16 (ii) The percentage of the penalties specified under subparagraph
17 (i) of this paragraph shall be distributed as follows:

18 1. The amount distributed to the Maryland Automobile
19 Insurance Fund in the prior fiscal year under the provisions of this subparagraph
20 adjusted by the change for the calendar year preceding the fiscal year in the
21 Consumer Price Index - All Urban Consumers - Medical Care as published by the
22 United States Bureau of Labor Statistics to the Maryland Automobile Insurance
23 Fund; [and]

24 2. \$600,000 TO THE SCHOOL BUS SAFETY ENFORCEMENT
25 FUND EACH FISCAL YEAR, STARTING IN FISCAL YEAR 2001 AND CONTINUING
26 THROUGH FISCAL YEAR 2005; AND

27 3. The balance to the General Fund.

28 (3) If the Administration assesses a vehicle owner or co-owner with a
29 penalty under this subsection, the Administration may not take any of the following
30 actions until the penalty is paid:

31 (i) Reinstate a registration suspended under this subsection;

32 (ii) Issue a new registration for any vehicle that is owned or
33 co-owned by that person and is titled after the violation date; or

34 (iii) Renew a registration for a vehicle that is owned or co-owned by
35 that person and is titled after the violation date.

1 (4) (i) In this paragraph, "family member" means any individual
2 whose relationship to the vehicle owner is one of those listed under § 13-810(b)(1) of
3 this article as being exempt from paying the excise tax imposed on the transfer of a
4 vehicle.

5 (ii) The monetary penalties provided in this subsection may not be
6 avoided by transferring title to the vehicle.

7 (iii) Regardless of whether money or other valuable consideration is
8 involved in the transfer, if title to a vehicle is transferred by an individual who has
9 violated this subtitle to a family member, any suspension of the vehicle's registration
10 that occurred before the transfer shall continue as if no transfer had occurred and a
11 new registration may not be issued until the penalty fee is paid.

12 (5) An amount equal to the monetary penalties paid to the
13 Administration under paragraph (2) of this subsection may be used by the
14 Administration only for the enforcement of this subtitle.

15 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
16 read as follows:

17 **Article - Transportation**

18 16-402.

19 (a) After the conviction of an individual for a violation of Article 27, § 388, §
20 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any
21 local authority, points shall be assessed against the individual as of the date of
22 violation and as follows:

23 (5) Failing to stop for a school vehicle with activated alternately flashing
24 red lights [2] 3 points

25 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the
26 General Assembly that the Department of State Police shall consult with the State
27 Department of Education, Maryland Chiefs of Police Association, and the Maryland
28 Association of Pupil Transportation on the implementation of Section 1 of this Act,
29 and that the grant program established under Section 1 of this Act shall be
30 implemented as early as practical during the 2000-2001 school year.

31 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
32 take effect on the taking effect of the termination provision specified in Section 5 of
33 Chapter 488 of the Acts of the General Assembly of 1998. If the termination provision
34 takes effect, § 17-106(e) of the Transportation Article, as enacted by Section 1 of this
35 Act, shall be void. This Act may not be interpreted to have any effect on that
36 termination provision.

37 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions
38 of Section 5 of this Act, this Act shall take effect July 1, 2000. Sections 1 and 2 of this
39 Act shall remain effective for a period of 5 years and, at the end of June 30, 2005, with

1 no further action required by the General Assembly, Sections 1 and 2 of this Act shall
2 be abrogated and of no further force or effect. Any balance in the School Bus Safety
3 Enforcement Fund after June 30, 2005, shall be transferred to the State General
4 Fund.